

Atty. Dkt. No. 041673-2054

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Tuszynski, Mark H.  
Title: METHODS FOR THERAPY OF  
NEURODEGENERATIVE  
DISEASE OF THE BRAIN  
Appl. No.: 10/032,952  
Filing Date: 10/26/2001  
Examiner: Chen, Shin-Lin  
Art Unit: 1633

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  <u>LINE GAUTHIER</u> (Printed Name)  <u><i>Line Gauthier</i></u> (Signature)  <u>May 4, 2004</u> (Date of Deposit)
--

**TERMINAL DISCLAIMER**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Your Petitioner, Regents of the University of California, having its principal place of business at Office of Technology Transfer, 1111 Franklin Street, 5th Floor, Oakland, CA 94607-5200 (hereinafter represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/032,952, filed 10/26/2001, which is a continuation-in-part of U.S. Patent Application No. 09/620,174, filed 07/19/2000, by virtue of Assignments extending to continuation applications which were filed and recorded on, respectively, October 3, 2003, on Reel/Frame 041025/0354; and on August 3, 1999, on Reel/Frame 010137/0989, both in the United States Patent and Trademark Office.

Atty. Dkt. No. 041673-2054

Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,683,058, which issued on U.S. Patent Application No. 10/620,174, filed July 19, 2000, which is a continuation of U.S. Patent Application Serial No. 09/060,543, filed April 15, 1998 (now U.S. Patent 6,451,306) by virtue of an Assignment filed and recorded on October 3, 2003, on Reel/Frame 041025/0354, in the United States Patent and Trademark Office.

Your Petitioner, Regents of the University of California, hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,683,058, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,683,058 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,683,058 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,683,058 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,683,058 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above.

Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,683,058, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving

Atty. Dkt. No. 041673-2054

Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the Assignments for the patents in question and, to the best of her knowledge and belief, legal title to the above identified patent application and U.S. Patent 6,683,058 rests with Petitioner, Regents of the University of California. The undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date 5-3-04By Stacy L. Taylor

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6720  
Facsimile: (858) 792-6773

Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842